



Hendry County Sheriff's Office

General Order 1.5

TITLE: Bias Based Profiling	SHERIFF'S APPROVAL: Digital
ORIGINATION DATE: April 16, 2018	REVISION DATE: May 7, 2019
RELATED REFERENCES: §30.15 F.S., §166.0493F.S., §901.151F.S., §943.1716 F.S., §943.1758 F.S., <i>Florida Administrative Code 11B-35.007</i> , <i>Florida Administrative Code 11B-27.00212</i> , <i>United States Code 8 U.S.C. 1373</i> CFA: 2.06	
REVIEW FREQUENCY: 3 YEARS	DATE OF NEXT REVIEW: May 7, 2022

I. PURPOSE: The purpose of this policy is to identify the circumstances for, and legalities of, police-citizen encounters, and to identify the agency's stance against bias-based profiling. This order also provides guidelines not only for sworn members to prevent bias-based occurrences, but also to protect them from unwarranted accusations when they act within the dictates of the law, this policy and other agency directives.

II. SCOPE: This order shall apply to all sworn sheriff's office members.

III. POLICY:

A. Prohibition of Bias-Based Actions

1. The Hendry County Sheriff's Office does not condone and will not allow the use of bias-based profiling in any of its enforcement action to include traffic contacts, field contacts, arrests, investigations both incidental and on-going, search warrants, and asset seizure and forfeiture efforts.

B. Traffic and Field Contacts

1. Traffic and field contacts between Sheriff's deputies and citizens will be in accordance with Procedures 500.34: Selective Traffic Enforcement and Control and 500.51: Arrest Procedures, which serve as the basic protocol used when deputies are involved with a citizen traffic stop, field contact or encounter. A basic interpersonal communication protocol is as follows:
 - a. Greet the person contacted in a respectful manner and identify yourself.
 - b. Politely ask for identification and other required documents.

- c. State the reason for the traffic stop or temporary detention, focusing on the actions of the vehicle or circumstances rather than personalizing the violation. Actions of the vehicle or circumstances rather than personalizing the violation.
- d. Ask the person if there was a reason for the violation, giving them the opportunity to establish a dialogue.
- e. Inform the driver or pedestrian as to what action is being taken and what actions, if any, the person must do as a result of the enforcement action.
- f. Give a professional closing statement to end the contact and refrain from using trite or colloquial expressions (example: have a nice day).

2. All enforcement action documentation will include the gender, race or ethnicity of the person stopped or contacted, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual. This information will be documented in the Traffic Stop Data Report (TSDR).
3. No motorist, once cited or warned, will be detained beyond the point where there is no reasonable suspicion of further criminal activity.
4. No person or vehicle will be searched in the absence of a search warrant, or a legally recognized exception to the search warrant requirement, or the person's voluntary consent.
5. The Sheriff's Deputies will activate their Mobile Video Recording prior to the traffic stop or citizen encounter, to record the behavior of the vehicle or the person, and adhere to the procedures provided in policy 500.37: Mobile Video Recording. The MVR will remain activated until the person and/or vehicle is released.
6. In the absence of a specific, credible report containing a physical or vehicle description, a person's race, ethnicity, gender or combination of these will not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
7. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, or gender of a person stopped for investigative or enforcement purposes is prohibited and is a cause for disciplinary action up to and including termination of employment.

C. Investigations

1. Sheriff's personnel will focus on a person's conduct or other specific suspect information supported by articulated facts which indicate that the person is, or is about to commit a crime, or is presenting a threat to the safety of themselves or others.
2. All agency investigations will be carried out in accordance with Internal Complaints and Investigative Procedures.

D. Bias-Based Profiling Complaints

1. Any person may file a complaint with this agency if they feel that they have been stopped, detained, or searched based solely on a bias-based profile.

2. No person will be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
3. Any Sheriff's Office personnel contacted by a person who wishes to file such a complaint will provide a Citizen Comment Form. All complaints will be handled in accordance with Internal Complaints and Investigative Procedures.
4. All complaints of bias-based profiling, upon conclusion will be forwarded to the Sheriff and will contain findings, if appropriate, suggestions for disciplinary action, or changes in policy, training, or tactics.
5. On an annual basis, the Professional Standards Unit will perform an administrative review of agency practices involving bias-based profiling, to include, areas of traffic enforcement, drug arrests, and total of all arrests.

E. Supervisor Responsibilities

1. Division supervisors will be apprised of all bias-based profile complaints involving personnel under their command.
2. It is the responsibility of the division supervisor to monitor the activities of their personnel and to identify potential bias-based profile activity.
3. Supervisors will periodically review a sampling of MVR of traffic stops and citizen contacts, as well as reports generated as a result of these incidents and activities.

F. Training

1. As a part of the Sheriff's Office training, bias-based profiling related training will be provided to sworn personnel during the Officer Safety – Traffic Stops within the Field Training Officer Manual.
2. Sheriff's Deputies will complete the Discriminatory Profiling and Professional Traffic Stops training, in accordance with CJSTC guidelines.

G. Community Education and Awareness Efforts

1. The report completed annually may be presented during public education programs and community meetings and made available to the public upon request. In addition, other printed materials such as a brochure may be made available in each precinct and on the HCSO website.

H. Federal, State, or Local Government Entities

1. Communication between government agencies and the Immigration and Naturalization Service (8 U.S.C. 1373)
 - a. In general – notwithstanding any other provision of Federal, State, or local Law, a Federal, State, or Local government entity or official may not prohibit, or in any way

restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service Information regarding the citizenship or Immigration status, lawful or unlawful, of any individual.

- b. Additional Authority or Government Entities – Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or Local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:
 - (1) Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
 - (2) Maintaining such information.
 - (3) Exchanging such information with any other Federal, State, or Local government entity.
- c. Obligation to respond to inquiries – The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or Local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for the agency for any purpose authorized by law, by providing the requested verification or status information.

IV. GLOSSARY:

BIAS-BASED PROFILING: The act (intentional or unintentional) of applying or incorporating personal, societal or organizational biases and/or stereotypes when making a decision and/or taking police action, which occurs when that decision or action is based solely on a person's race, ethnicity, background, gender, sexual orientation, religion, economic status, age, culture or other personal characteristic, rather than on the behavior of the individual or the identification of the individual as having been or being, currently engaged in criminal activity.

CRIMINAL PROFILING: The identification of a person or group of people by gender, age, race, and/or other characteristics, which is intended to identify a particular type of perpetrator, thereby narrowing the field of potential suspects in major criminal investigations. The profile is based on the scrutiny of a set of facts and factors common to specific (e.g., serial murder with a certain "signature") or general (e.g., narcotics trafficking) criminal activity, which is based on current and historical law enforcement investigative knowledge and experience.

REASONABLE SUSPICION: Also known as articulable suspicion. Suspicion that is not based upon a mere hunch, but is based instead on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed by the person or persons under suspicion. This can be based on the observations of a law enforcement officer combined with his/her training and experience, and/or reliable information received from credible outside sources.

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